

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36484 of 2016

Arising Out of PS.Case No. -197 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rambabu Rai, son of Late Shivbachan Rai.
 2. Sanjay Kumar, son of Kapildeo Prasad Yadav, both are resident of village-Murli, P.S. Chhauradano, District-East Champaran.
 3. Ram Pravesh Kumar, son of Vishwanath Prasad, resident of village-Bhelwa, P.S. Chhauradano- East Champaran.
 4. Dhanraj Prasad, son of Harichand Sah, resident of village-Dharhari, P.S. Chhauradano, District-East Champaran.
 5. Kundan Kumar, son of Jokhu Sah, resident of village-Dharhari, P.S. Chhauradano, District-East Champaran.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioners : Mr.

For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 07-09-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Turkaulia P.S. Case No.197 of 2016 registered under Sections
149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code
besides Section 27 of the Arms Act.

The accusation is that the informant alongwith his
brother went to his filed on 29.05.2016 on receiving information at
about 09.00 A.M. about measuring of land by Mukesh Mishra and
Rupesh Mishra, both sons of Dharendra Mishra, Pappu Dubey and

Raju Dubey, both sons of Rajendra Dubey alias Khattu Dubey and Ashutosh Upadhyay, son of Ganesh Upadhyay and saw that they were getting the land measured by Amin. On protest being made by the informant, Mukesh Mishra giving threatening asked him to flee away otherwise he will shoot him, then the informant raised hulla on which the co-villagers came and on seeing them, they fled away on a Scorpio vehicle. Again at about 10.00 A.M., 35-40 persons variously armed on eight four wheelers came on the field, out of whom, besides the aforesaid persons, there were some unknown persons. Thereafter, on the order of Pappu Dubey and Raju Dubey to kill them, Ashutosh Upadhyay, started firing indiscriminately. The informant and his brother fled away from there and took the shelter in the nearby village. On hearing hulla, the people of nearby village came and on seeing them, the F.I.R. named accused and unknown persons, fired about 12 rounds and started to flee on a vehicle. On seeing the aggression of the villagers, three fled away taking four wheelers but four could not flee away taking the four wheelers. The owners and drivers of the vehicles succeeded in fleeing away leaving the vehicles. The vehicles were also damaged by unknown persons. At that time, Ashutosh Upadhyay was apprehended and handed over to the police.

Learned counsel appearing on behalf of the petitioners submits that the petitioner nos.1, 3 and 4 are the owners of the vehicles whereas petitioner nos.2 and 5 are the drivers of the same. In fact, the vehicles were hired by the aforesaid persons, as such, the petitioners have no concern with the alleged offence.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within three weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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